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6 Attorneys for Defendant
7 ALTA BATES SUMMIT MEDICAL CENTER

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 COYNESS L. ENNIX, JR., M.D.,

12 Plaintiff,

13 v.

14 ALTA BATES SUMMIT MEDICAL CENTER,

15 Defendant.

CASE NO. C 07-2486 WHA

**DEFENDANT ALTA BATES
SUMMIT MEDICAL CENTER'S
PROPOSED SPECIAL VERDICT
FORM**

DATE: May 19, 2008
TIME: 2:00 p.m.
DEPT: Ctrm. 9, 19th Flr.
JUDGE: Hon. William H. Alsup

COMPLAINT FILED: May 9, 2007
TRIAL DATE: June 2, 2008

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19 Defendant Alta Bates Summit Medical Center submits this proposed Form of
20 Special Verdict. Plaintiff asks that a general verdict form be used.

21 1. Do you find that plaintiff has established the existence of at least
22 one identifiable contract between plaintiff (individually) and defendant?

23 ☐ Yes or

24 ☐ No

25 2. Do you find that plaintiff has established the existence of at least
26 one identifiable contract between plaintiff (individually) and one or more of plaintiff's
27 patients?

28 ☐ Yes or

☐ No

If you answered "No" to both question 1 and question 2, have your foreperson sign and date this form because you have completed your deliberation on this claim. If you answered "Yes" to either question 1 or question 2, please continue.

3. On the claim of race based discrimination pursuant to 42 U.S.C. Section 1981, as submitted in Instruction _____, we find in favor of (check one)

☐ Plaintiff or

☐ Defendant

Complete the following paragraphs only if the above finding is in favor of plaintiff. If the above finding is in favor of defendant, have your foreperson sign and date this form because you have completed your deliberation on this claim.

4. We find plaintiff's damages for lost income in the past, as defined in Instruction _____ to be: \$_____ (stating the amount or, if none, write the word "none").

5. We find plaintiff's damages for lost income in the future, as defined in Instruction _____ to be: \$_____ (stating the amount or, if none, write the word "none") (stating the amount, or if you find that plaintiff's damages have no monetary value, set forth a nominal amount such as \$1.00).

Complete the following paragraph only if you have awarded some sum of money in either paragraph 4 or paragraph 5 other than "none."

6. Do you find that the Defendant engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of plaintiff?

☐ Yes or

☐ No

1 DATED: May 12, 2008

KAUFF MCCLAIN & MCGUIRE LLP

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By: /S/
ALEX HERNAEZ

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Attorneys for Defendant
ALTA BATES SUMMIT MEDICAL
CENTER

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